LIBRARY
SUPREME COURT, U.S.

Office-Supreme Court, U.S.
FILED
JUN 25 1965
JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1964

No. 289

EDYTHE YENOWINE,
ELSIE DENSMORE,
DONALD D. DENSMORE and
DANIEL W. ROWE, Administrator of the
Estate of LILA CRAWFORD, Deceased, - Petitioners,

versus

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, - - - Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT.

WILLIAM L. GIBSON,
GIBSON & GIBSON,
Suite 202, 3452 Taylor Boulevard,
Louisville, Kentucky 40215,

RICHARD H. NASH,
1902 Kentucky Home Life Bldg.,
Louisville, Kentucky 40202,

Counsel for Petitioners.

WESTERFIELD-BONTE CO., INCORPORATED, LOUISVILLE, KY.

INDEX.

	PAGE
Opinions Below	2
Grounds on Which Jurisdiction of This Court Is Invoked	2
Questions Presented for Review	2–3
Statutes Involved	3
Statement of the Case	3–7
Reasons for Granting the Writ	8–22
The Judgment Rendered by the Court Below Should Be Reviewed by This Court to Correct an Injustice and Because It Decides an Important Question of Law Affecting in a Serious Manner the Rights of Holders and Third Party Beneficiaries of Automobile Liability Insurance Policies Not Only Contrary to How Such Question Has Been Decided by Another Federal Court of Appeals, But Also Contrary to the Kentucky Court of Appeals as Well, Which Should Be Settled by This Court	8–22
Conclusion	23

CITATIONS.

Cases: PAGE

Brescoll v. Nationwide Mut. Ins. Co., 116 Ohio App. 537, 22 Ohio Ops. 2d 423, 189 N. E. 2d 173 (1961) 20

Brown v. State Farm Mutual Automobile Insurance Co., Ky., 306 S. W. 2d 836 (1957) 12

Chandler v. Battenfield, 55 N. M. 361, 233 P. 2d 1047 (1951) 18

Kaczmarck v. LaPerriere, 337 Mich. 500, 60 N. W. 2d 327 (1953) 14

Maryland Casualty Co. v. Toney, 178 Va. 196, 16 S. E. 2d 340 (1941) 13

McPhilomy v. Lister, 341 Pa. 250, 19 A. 2d 143, 142 A. L. R. 385 (1941) 18

Merchants Mutual Casualty Company v. Lambert, 90 N. H. 407, 11 A. 2d 361, 362, 363 (1940) 19

Michelson v. House, 54 N. M. 197, 218 P. 2d 861 (1950) 18

Mitcham v. Travelers Indemnity Co., 127 F. 2d 27 (C. C. A. 4) (1942) 11

Texts:

29 A. L. R. 2d 817 20

American Jurisprudence, Judgments, Volume 30A, Section 300, pages 354-355 18

Statutes:

28 U. S. C., Sec. 1254 2

Miscellaneous:

Rule 51 of the Federal Rules of Civil Procedure ... 22

TABLE OF CONTENTS OF APPENDIX.

PAGE

Opinion and Judgment of the United States Court of Appeals for the Sixth Circuit.....25–32

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1964

No. _____

EDYTHE YENOWINE,
ELSIE DENSMORE,
DONALD D. DENSMORE and
DANIEL W. ROWE, Administrator of the
Estate of LILA CRAWFORD, Deceased, - *Petitioners,*

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, - - - - - *Respondent.*

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT.

Petitioners, Edythe Yenowine, Elsie Densmore, Donald D. Densmore, and Daniel W. Rowe, Administrator of the Estate of Lila Crawford, deceased, pray that a writ of certiorari issue to review the judgment entered in this case by the United States Court of Appeals for the Sixth Circuit on April 2, 1965 (Petition for Rehearing denied April 30, 1965) which reversed the judgment of the District Court of the United States for the Western District of Kentucky.